IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE V.RAMKUMAR

WEDNESDAY, THE 14TH MARCH 2007 / 23RD PHALGUNA 1928

Bail Appl..No. 1524 of 2007()

CRIME NO.37/2007 OF CANTONMENT POLICE STATION, TRIVANDRUM

PETITIONERS/A1 TO A3
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1. RAJESH, (A1),
S/O.SASI, THOTTUVARAMBIL VEEDU,
KOLLOUR PUTHEN PALAM, KANNAMMOOLA WARD,
VANCHIYOOR VILLAGE, THIRUVANANTHAPURAM.

2. PRASANTH, (A2),
S/O.BABU, T/C 15/1065, KOLLOUR PUTHEN PALAM,
KANNAMMOOLA WARD, VANCHIYOOR VILLAGE,
THIRUVANANTHAPURAM.

3. SHIJITH @ RAJAN, (A3),
S/O SASIDRAN, T/C 13/27, KOLLOUR PUTHEN PALAM,
KANNAMMOOLA WARD, VANCHIYOOR VILLAGE,
THIRUVANANTHAPURAM.

BY ADV. SRI.SASTHAMANGALAM S. AJITHKUMAR
SRI.RENJITH B.MARAR

RESPONDENT:

S.I. OF POLICE, CANTONMENT POLICE
STATION, REPRESENTED BY THE PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, ERNAKULAM.

BY PUBLIC PROSECUTOR, P.N.SUKUMARAN

THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON 14/03/2007, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

V. RAMKUMAR, J.

B.A. No. 1524 OF 2007 A

Dated this the 14th day of March, 2007

O R D E R

In this Petition filed under Sec. 439 Cr.P.C. the petitioners, who are accused Nos.1 to 3 in Crime No.37/07 of Contonment Police Station, Trivandrum for offences punishable under Secs.326 and 427 read with section 34 I.P.C. and section 27 of the Arms Act, 1959, seek their enlargement on bail. The occurrence took place at about 8.30 p.m. on 13.2.2007 and the petitioners were arrested on 26.2.2007.

2. Learned Public Prosecutor opposed the application.

3. The case of the prosecution is that at about 8.30 p.m. on 13.2.07 the accused persons boarded the stage carriage bus driven by the de facto complainant from the stop in front of the University College and assaulted the de facto complainant(driver) with a sword inflicting a cut injury on his right hand. While so, accused Nos.2 and 3 struck the windscreen of the bus with iron rods and shattered the same.

4. The 5th accused is a habitual offender and a known goonda against whom 21 crimes have been registered for various offences which include grave offences. Accused Nos.2 and 3 are alleged to be the associates of the first accused. Having regard to the antecedents of the first accused and the daring manner in which the offence which has committed, I am not inclined to grant bail to the first accused. But with regard to accused Nos.2 and 3, in as much as no other crime has been

shown against them, I am inclined to grant bail to them with effect from a future date. Accordingly, accused Nos.2 and 3 are directed to be released on bail with effect from 26.3.2007 on each of them executing a bond for Rs.10,000/- (Rupees ten thousand only) with two solvent sureties each for the like amount to the satisfaction of the J.F.C.M.-III, Thiruvananthapuram and subject to the following conditions:

a. The 2nd and 3rd petitioners shall report before the Investigating Officer between 9 a.m. and 11 a.m. on all Wednesdays.

b. The 2nd and 3rd petitioners shall make themselves available for interrogation as and when required by the police till the filing of the final report.

c. The 2nd and 3rd petitioners shall not influence or intimidate the prosecution witnesses nor shall they attempt to tamper with the evidence for the prosecution.

d. The 2nd and 3rd petitioners shall not commit any offence while on bail.

If the petitioners commit breach of any of the above conditions, the bail granted to them shall be liable to be cancelled.

In the result, this application is allowed in part granting bail to accused Nos.2 and 3 but refusing bail to the first accused.

(V. RAMKUMAR, JUDGE)

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